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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 07cr0448-WQH
)	
Plaintiff,)	AMENDED ORDER OF
)	CRIMINAL FORFEITURE
v.)	
)	
NICHOLAS GREGORY BRIGNONI (2),)	
)	
Defendant.)	

On September 21, 2007, this Court entered its Preliminary Order of Criminal Forfeiture, which condemned and forfeited to the United States all right, title and interest of NICHOLAS GREGORY BRIGNONI (2) in the property listed in the Superseding Information, namely,

One 2007 Lexus sedan, VIN JTHBE96S570015934, or an amount up to the value of his interest in said property.

On September 26, 2007, Notice of Order of Forfeiture was sent by certified mail as follows:

<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
Robert Hertel Cynthia E. Hertel 11205 Pinestone Court San Diego CA 92128-3606	7004 2510 0003 3013 3035	Signed for as received on or about 9/28/07.
Richard M. Barnett Attorney at Law 105 West F Street, 4th Floor San Diego CA 92101	7004 2510 0003 3013 2991	Signed for as received on 9/27/07.

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	<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
1			
2	Lexus Financial Services	7004 2510 0003 3013 3011	Signed for as received on
3	P.O. Box 60114		9/28/07.
4	City of Industry CA 91716-0114		
5	Reza Djaveheri Saatchi	7004 2510 0003 3013 3028	Signed for as received on
6	c/o Thomas J. Warwick, Esq.		or about 9/27/07.
7	Grimes & Warwick		
8	2664 Fourth Avenue		
9	San Diego CA 92103-6515		
10	Jason Charles Boris	7004 2510 0003 3013 3004	Signed for as received on
11	c/o Frank J. Ragen, II		9/27/07.
12	Attorney at Law		
13	105 West "F" Street, Suite 215		
14	San Diego CA 92101		

On October 3, 10 and 17, 2007, the United States published, in a newspaper of general circulation, notice of the Court's Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n), and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property.

On October 10, 2007, Cynthia Hertel filed a Petition for Hearing to Adjudicate Validity of Petitioner's Interest in Forfeited Property. No other petitions were filed or served in this case.

The Government and Petitioner have submitted a Joint Motion to the Court, agreeing thereby to the following terms:

a. Defendant is co-owner of the subject vehicle with Petitioner Cynthia Hertel. The value of Defendant's net interest in the vehicle has been determined to be \$1,634.00. Upon payment of this amount, the vehicle will be returned to Petitioner.

b. The total amount to be forfeited by the Defendant as a substitute asset for his interest in the 2007 Lexus, therefore, is \$1,634.00. This amount shall be paid by cashier's check made payable to the U.S. Marshals Service (USMS) within two weeks after the entry of this order.

c. Upon receipt of the check, the USMS will return the subject vehicle to Petitioner through her attorney of record, Richard M. Barnett.

1 d. The United States is not required to publish or notice any third parties as to
2 the forfeiture of the \$1,634.00 because it is a substitute asset in which no third party has an interest.

3 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, as a result
4 of the failure of any third party except Petitioner Cynthia Hertel to come forward or file a petition
5 for relief from forfeiture as provided by law, all right, title and interest of NICHOLAS GREGORY
6 BRIGNONI (2) and any and all third parties in the following property are hereby condemned,
7 forfeited and vested in the United States of America:

8 \$1,634.00 in U.S. Currency as a substitute asset for Defendant's interest in One
9 2007 Lexus sedan, VIN JTHBE96S570015934.

10 IT IS FURTHER ORDERED that Petitioner shall pay \$1,634.00 by cashier's check made
11 payable to the U.S. Marshals Service (USMS) within two weeks after the entry of this order. Upon
12 receipt of the check, the USMS will return the subject vehicle to Petitioner through her attorney of
13 record, Richard M. Barnett.

14 IT IS FURTHER ORDERED that costs incurred by the United States Marshals, the Drug
15 Enforcement Administration and any other governmental agencies which were incident to the
16 seizure, custody and storage of the subject vehicle be the first charge against the \$1,634.00 paid by
17 Petitioner for return of the subject vehicle.


18 IT IS FURTHER ORDERED that the United States Marshals Service shall dispose of the
19 remainder of the forfeited \$1,634.00, if any, according to law.

20 IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction
21 in this case for the purpose of enforcing the Amended Order of Forfeiture and collecting and
22 enforcing the judgment.

23 IT IS FURTHER ORDERED that following payment of the \$1,634.00 and return of the
24 subject vehicle to Petitioner, this case shall be closed.

25 SO ORDERED.

26
27 DATED: 12/20/07


HONORABLE WILLIAM Q. HAYES
United States District Judge